

Immigration Act, 1976

That is our amendment, Madam Speaker. It does not say that we are in favour of possible criminals or terrorists. It does not say, as the Parliamentary Secretary advocated, that we would be judging the person to be a legitimate refugee. How do we know a person is a genuine refugee if we do not have a prescreening, he asked. The Parliamentary Secretary is trying to imply that because we do not want a prescreening we are suggesting that the person is a bona fide claimant.

Once again, this reflects a misunderstanding on that side of the House. It is even more worrisome when we hear that from the Parliamentary Secretary to the Minister of Immigration, because by deleting the prescreening we would not be passing judgment on the individual claimant. We would be changing the process by which a judgment on the individual is rendered.

If we allow the prescreening to stand, we are giving the authority and power to the prescreening officers to keep a person out of the country for whatever reason. Perhaps the officers had a rough morning and perhaps they misjudged and misread the individual. The new refugee board will not have a chance to render a decision on a person who is turned away.

Couple that with Bill C-84. The person coming in on a boat will not even touch shore, but that is another argument. The Member is trying to suggest that we allow the prescreening to prejudice. We say that is wrong. We have a court and a system of justice which says to the Supreme Court judges, the various other justices in the different courts, "You be the arbitrators. We will create the laws but you adjudicate any rights or wrongs." We are not telling someone to go to the Supreme Court but that we might prejudice him or her first and send in a written analysis. That is a different system, of course, but it is the same principle.

What we will have is a refugee board and a prescreening process that will or will not allow that person to go to the board. This is a prejudging. If the person is allowed to go to the refugee board, the two officers and the evidence they collected at the beginning of the process can be used against the claimant at the board. So much for the Government saying that it is a non-adversarial role, because that is not true. The Government has to decide whether it is adversarial, like in a court of law, or it is non-adversarial. It should be non-adversarial and refugee board members should be allowed to make the determination.

If I were a claimant, those two officers and the information they collected at the border could be used against me at the board by a government official or government lawyer. If the Government wants to have a refugee board make the determination and the Minister has said that the board has the integrity, the knowledge, the expertise and the structure to make a fair, effective decision—with which I and my Party agrees—why is it necessary to build a Berlin Wall, as Rabbi Plaut suggested, around the refugee board by designing a prescreening process? Those forces are not pulling in harmony but in opposite directions. Motion No. 11 suggests that the

prescreening be deleted to allow a claimant to go to the refugee board.

Let us have the assurance that whatever decision is rendered by the refugee board we can be satisfied that the decision was properly made. We do not want to question ourselves. We do not want nightmares and we do not want to think about whether we should have left the decision to the refugee board of the lady from El Salvador. We do not want to wonder whether she had a little more to say which the prescreening would not allow her to say, or whether we made a mistake. If we have, and if we do make a mistake, that mistake can be fatal. Why should we have that on our conscience as a Parliament and as a country?

Would it not be better as a progressive country, as a privileged country, to afford protection for an individual and allow his or her story to be heard at the refugee board hearing? Why at the border crossings must we say to the claimant, "Look, don't give us all your story, just a bit, so we can get a taste of what you are fleeing. We will know whether you are right or wrong and we will either send you to the refugee board or send you packing".

If you were a claimant, Madam Speaker, would you want to give a little bit of your story or would you want to give all the facts and circumstances? Obviously you would want the latter. I would. If you go to a court and the judge says "I have only an hour. I know you have been fighting this prison term for 20 years of your life, but just give me enough facts and I will make a decision on that". That is not the way it works.

The refugee claimant will want to tell his or her story. We ask nothing more. The claimant asks nothing more. Why have an individual give just a little bit of the story at the prescreening stage? This process will take more time and it will create another bureaucratic level. We will have two hearings instead of one and that will encourage more frivolous claims. Logic dictates that you have one good hearing before one competent body, namely, the refugee board. What is so wrong with allowing claimants to go through the system and to be judged by those who should judge them and not by an immigration adjudicator who has enforcement on his or her mind because of the duty of those officers?

● (1200)

We do not want to pass judgment on who is genuine or not. We are not in favour of the drug traffickers and terrorists the Parliamentary Secretary mentioned a few moments ago coming into the country. We are in favour of a legitimate process to render a legitimate decision. With the prescreening the Government is making a predetermination and prejudgment. Therefore, it is wrong and we hope that the House realizes that and will vote in favour of Motion No. 11.

Mr. Dan Heap (Spadina): Madam Speaker, I rise in support of Motion No. 11 and, since they are grouped together, in support of Motions Nos. 13 and 14.